

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA
ex rel. **SARAH BEHNKE,**

Plaintiffs,

v.

CVS CAREMARK CORPORATION, *et al.*,

Defendants.

:
:
: **CIVIL ACTION**
:
:
: **No. 14-824**
:
:
:
:
:
:

ORDER

AND NOW, this 28th day of July, 2021, upon consideration of Plaintiff-Relator's "Brief Pursuant to Court Order Dated July 14, 2021" (ECF No. 169), Defendants' "Memorandum Pursuant to Court Order Dated July 14, 2021" (ECF No. 170), and following a hearing held on July 28, 2021, it is hereby **ORDERED** that:

- **Within 10 days of the date of this Order**, the parties shall meet and confer to negotiate search terms in order to locate documents responsive to Plaintiff-Relator's Fifth Request for Production of Documents No. 57, subparagraphs A through F.
- **Within 10 days of the date of this Order**, Defendants shall provide Plaintiff-Relator with information on how to locate in their productions each of the allegedly missing documents identified in Court's Exhibit 1 to the July 28, 2021 Discovery Hearing.
- For the reasons stated on the record, Plaintiff-Relator's request for production of documents pertaining to commercial (non-Medicare Part D) claims data or payment information is **DENIED**.

- **Within 10 days of the date of this Order**, Defendants shall serve on Plaintiff-Relator a letter listing the files contained in the two (2) terabytes of data accompanying the Industry Analytics share file or, if Defendants are unable to provide a list of files, a letter providing Plaintiff-Relator with information on how to determine what documents are contained in the two (2) terabytes of data.
- **Within 7 days of the date of this Order**, Plaintiff-Relator shall file a brief not to exceed five (5) single-spaced pages explaining how Defendants' production of the Industry Analytics share file is not fully responsive to Plaintiff-Relator's discovery requests. **Within 7 days thereafter**, Defendants may file a brief in response not to exceed five (5) single-spaced pages. In Defendants' response, they must identify to what discovery requests the Industry Analytics share file is responsive.
- All case deadlines remain **STAYED** until resolution of the above-referenced discovery issues.

It is further ORDERED that Plaintiff-Relator's motion (ECF No. 169) to seal the exhibits attached to her "Brief Pursuant to Court Order Dated July 14, 2021" is **GRANTED**.

BY THE COURT:

/s/ Mitchell S. Goldberg
MITCHELL S. GOLDBERG, J.